

REMARKS

This communication is responsive to the Advisory Action mailed December 2, 2003. Claims 80-91 are currently pending and under consideration in the instant Application.

Applicants would like to thank the Examiner for the courtesies extended by the Examiner in considering the amendments and remarks after Final rejection, in expeditiously issuing an advisory action, and in facilitating passage of the claims to issuance.

I. The Double Patenting Rejection under 35 U.S.C. § 101

Claims 80-91 stand provisionally rejected for double patenting under 35 U.S.C. § 101 as directed to the same invention of Claims 1-12 of U.S. Application No. 09/663,458 ("the '458 application"). Without acquiescing to the propriety of the rejection, Applicants respectfully submit that the rejection is moot in view of the cancellation of Claims 1-12 of the '458 application, without prejudice. Further, Applicants respectfully submit Claims 80-91 are not directed to the same invention of any presently pending claim of the '458 application. For the PTO's convenience, a copy of the claims pending in the '458 application following entry of an amendment and response filed on December 2, 2003, in connection with the '458 application is attached hereto as *Exhibit A*. Accordingly, Applicants respectfully submit that the provisional double patenting rejection is moot, and earnestly request its withdrawal.


CONCLUSION

In light of the above remarks, Applicants respectfully submit that Claims 80-91 satisfy all the criteria for patentability and are in condition for allowance. Accordingly, Applicants respectfully request that the Examiner reconsider this application with a view towards allowance and solicit an expeditious passage of Claims 80-91 to issuance.

Pursuant to 37 CFR § 1.136(a)(3), the Commissioner is authorized to charge all required fees, including fees under 37 CFR § 1.17 and all required extension of time fees, or credit any overpayment, to Pennie & Edmonds LLP U.S. Deposit Account No. 16-1150 (order no. 011068-0035-999).

Date: December 5, 2003

Respectfully submitted,


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(Reg. No.)

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